

and penalties and the shortness of the remaining time of the session creates an emergency and imperative public necessity that the Constitutional rule requiring all bills to be read on three several days in each House, be and the same is hereby suspended, and this act shall be in force and take effect from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
November 6, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem., Walter Woodward.

C. S. S. B. No. 4

Pending business was Senator Moore's amendment to C. S. S. B. No. 4.

S. B. No. 4, A bill to be entitled "An Act making appropriations for the establishment, maintenance and operation of the Texas Centennial for the period beginning November 1, 1934, and ending April 30, 1937, and for kindred and allied purposes."

Pending.

Senate Bill No. 18.

Senator Blackert sent up the following bill:

By Senator Blackert:

S. B. No. 18, A bill to be entitled "An Act to amend Chapter 13 of Title 49 Revised Civil Statutes of 1925 by adding thereto an additional Article to be known as Article 2790d, authorizing independent school districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers, defining eligible vouchers which may be so refunded, authorizing the board of trustees of any such district to pass necessary and convenient orders to effect the surrender and cancellation of such eligible vouchers, providing that said refunding warrants may bear interest at a rate not exceeding six (6%) per cent per annum, payable semi-annually, and may be payable serially at such times and in such amounts as may be determined

by said board, providing the maximum maturity date of such warrants, providing for the retiring of said warrants before maturity as well as at maturity validating such original eligible vouchers authorizing the board to levy taxes for the purpose of retiring said refunding warrants, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

C. S. S. B. No. 4

Pending business was C. S. S. B. No. 4.

Point of Order.

Senator Purl raised a point of order that the question was on his motion to table the amendment and the substitute.

The Chair Senator DeBerry presiding sustained the point of order.

The motion to table the amendment and the substitute prevailed by the following vote:

Yeas—20.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Greer. | Patton. |
| Holbrook. | Poage. |
| Hopkins. | Purl. |
| Hornsby. | Rawlings. |
| Martin. | Sanderford. |
| Murphy. | Small. |
| Neal. | Stone. |
| Oneal. | Woodul. |

Nays—9.

| | |
|----------|-----------|
| Collie. | Redditt. |
| Cousins. | Regan. |
| DeBerry. | Woodruff. |
| Duggan. | Woodward. |
| Moore. | |

Absent—Excused.

Fellbaum.

Senator Woodruff sent up the following amendment:

Amend C. S. S. B. No. 4 by striking out in line 27, page 10, the following:

"For the cost of the celebration in the City of Fort Worth."

WOODRUFF.

Senator DeBerry sent up the following amendment as a substitute for the amendment offered by Senator Woodruff:

Amend Committee Substitute to S. B. No. 4, Section 6, by striking out all of line 27 after the word "Dallas," and by striking out of line 38 the words "and the City of Fort Worth, Texas," and by striking out of line 49 in Section 6-A the words "and Ft. Worth"; also by changing in line 24 of Section 6 the words and figures "Three Million Dollars (\$3,000,000)" to "Two Million, Five Hundred Thousand Dollars (\$2,500,000)" and in line 35 and 36 the words and figures "One Million, Seven Hundred and Fifty Thousand Dollars (\$1,750,000)" to the words and figures "Two Million, Two Hundred and Fifty Thousand Dollars (\$2,250,000)."

DeBERRY.

Senator Woodruff accepted the substitute offered by Senator DeBerry.

Pending.

Congressman Martin Dies Addresses the Senate.

The Chair, Lieutenant Governor Edgar E. Witt, announced that Congressman Dies was present and had been invited in S. R. No. 12 to address the Senate. The Lieutenant Gov. requested Senator Redditt and Senator Neal to escort Congressman Martin Dies to the platform.

Senator Redditt introduced Congressman Dies to the Senate.

Congressman Dies addressed the Senate, calling for a "restoration of faith of the people in their government."

Conference Committee Report.

Senator Parr called from the table the Conference Committee Report on H. B. No. 7.

Motion to Re-Refer.

Senator Woodruff moved that the Conference Committee Report be rejected and that H. B. No. 7 be re-referred to a new conference committee for consideration.

Senator DeBerry moved to table the motion of Senator Woodruff.

Pending.

Recess.

On motion of Senator Holbrook the Senate recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by the Lieutenant Governor Edgar E. Witt.

Senate Bill No. 14.

Senator Beck got unanimous consent to take up S. B. No. 14:

S. B. No. 14, A bill to be entitled "An Act making an appropriation of fifteen hundred (\$1500.00) dollars, or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used by the State Depository Board to pay rent for safety deposit boxes rented by the board from any bank located in the City of Austin for the purpose of depositing securities, where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session; and declaring an emergency."

The committee amendment was adopted by viva voce vote.

Senator Small sent up the following amendment to S. B. No. 14:

Amend by adding a new section to be designated as Sec. 2a.

There is hereby appropriated the sum of \$500.00 out of any funds not heretofore appropriated, to provide law books for the Library of the Court of Civil Appeals for the 7th Supreme Judicial District of Texas at Amarillo, to supplement appropriations made for this purpose at the regular session of the 43rd Legislature.

SMALL.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment as amended by viva voce vote.

Senator Duggan asked unanimous consent to amend S. B. No. 14.

Amend S. B. No. 14 by adding there to Section 2B and Section 2C, to read as follows:

"Sec. 2B. That the sum of

twenty-six thousand eight hundred (\$26,800) dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, to cover deficiencies incurred, and/or which will hereafter be incurred by the appropriation of an inadequate amount for the payment of expenses of district judges and district attorneys by the general appropriation bill, Chapter 57, page 113, General Laws of the Forty-third Legislature, 1933, (per Article 6820, Revised Civil Statutes) for the fiscal years ending August 31, 1934 and 1935, which deficiencies have been duly authorized in Title 15, Chapter 2, Code of Criminal Procedure of the State of Texas.

"Sec. 2C. Special district judges' salaries and regular district judges' expenses when holding court out of their own districts, one thousand (\$1,000.00) dollars."

Amend caption to conform therewith.

Adopted by unanimous consent.

Amend S. B. No. 14 by amending the caption to conform to the body of the bill.

BECK.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 14 was put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Poage. |
| DeBerry. | Purl. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| ONeal. | |

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

| | |
|-----------|-------------|
| Beck. | Pace. |
| Blackert. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Duggan. | Rawlings. |
| Greer. | Redditt. |
| Holbrook. | Regan. |
| Hopkins. | Sanderford. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Moore. | Woodruff. |
| Murphy. | Woodul. |
| Neal. | Woodward. |
| ONeal. | |

Nays—2.

| | |
|---------|-------|
| Collie. | Purl. |
|---------|-------|

Absent—Excused.

Fellbaum.

House Bill No. 7.

Senator Rawlings called for the regular order of business, which is the motion to table the motion by Senator Woodruff to reject and re-refer the conference committee report on H. B. No. 7.

The motion to table lost by the following vote:

Yeas—13.

| | |
|----------|-------------|
| Collie. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Rawlings. |
| Duggan. | Redditt. |
| Hornsby. | Sanderford. |
| Martin. | Stone. |
| Neal. | |

Nays—15.

| | |
|-----------|-----------|
| Beck. | Poage. |
| Blackert. | Purl. |
| Greer. | Regan. |
| Holbrook. | Small. |
| Hopkins. | Woodruff. |
| Moore. | Woodul. |
| ONeal. | Woodward. |
| Pace. | |

Present—Not Voting.

Murphy.

Absent—Excused.

Fellbaum.

The motion to reject and to re-refer the conference committee report prevailed by the following vote:

Yeas—15.

| | |
|-----------|-----------|
| Beck. | Pace. |
| Blackert. | Poage. |
| Greer. | Regan. |
| Holbrook. | Small. |
| Hopkins. | Woodruff. |
| Moore. | Woodul. |
| Murphy. | Woodward. |
| Oneal. | |

Nays—12.

| | |
|----------|-------------|
| Collie. | Neal. |
| Cousins. | Parr. |
| DeBerry. | Patton. |
| Duggan. | Rawlings. |
| Hornsby. | Sanderford. |
| Martin. | Stone. |

Present—Not Voting.

Purl.

(Pair Recorded.)

Senator Redditt (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

Senate Bill No. 17.

Senator Poage moved to suspend the regular order of business and take up S. B. No. 17:

S. B. No. 17, A bill to be entitled "An Act releasing certain interest and penalties to the extent of fifty dollars (\$50.00) due on all ad valorem and poll taxes delinquent on or before August 1, 1934, if paid on or before certain dates and with certain penalties; repealing conflicting laws; limiting the scope of such release to certain taxes; and declaring an emergency."

Senator Woodward sent up the following substitute motion:

I move that the Senate conferees on H. B. No. 7 be instructed to support in the conference committee a report of a bill which embodies the principle contained in the committee report on Senate Bill No. 17.

Points of Order.

Senator Purl raised a point of order that the pending motion would displace C. S. S. B. No. 4, relative to the Centennial Celebration.

The Chair overruled the point of order, stating that it was a privileged motion.

Senator Rawlings raised a point of order that a conference committee cannot be instructed.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, stating that the committee had not yet been appointed.

Senator Collie raised a point of order that the committee report had not been sent up on S. B. No. 17.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, as the report was printed in the Journal yesterday:

Senator Collie sent up the following amendment to the motion:

Amend the Woodward motion by striking out the words "committee report of" in the last line.

COLLIE.

Motion to Table.

Senator Holbrook moved to table the amendment by Senator Collie.

The motion to table prevailed by the following vote:

Yeas—15.

| | |
|-----------|-----------|
| Beck. | Oneal. |
| Blackert. | Pace. |
| DeBerry. | Poage. |
| Duggan. | Purl. |
| Holbrook. | Regan. |
| Hopkins. | Woodruff. |
| Moore. | Woodward. |
| Murphy. | |

Nays—11.

| | |
|----------|-------------|
| Collie. | Patton. |
| Cousins. | Rawlings. |
| Hornsby. | Redditt. |
| Martin. | Sanderford. |
| Neal. | Stone. |
| Parr. | |

Present—Not Voting.

Greer.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Small (absent) who would vote nay.

The question recurred on the motion of Senator Woodward to instruct the conference committee.

Senator Pace sent up the following substitute motion for the motion by Senator Woodward:

Substitute for Woodward motion the following:

"The Senate conferees on H. B. No. 7 are instructed to support and report in a bill the proposition that interests and penalties shall be remitted on all ad valorem taxes delinquent now if paid before February 1, 1935, and further providing that the remission of penalty and interest shall be optional as to cities and towns and independent school districts and special road bond districts such remission of interest and penalty not to exceed the sum of \$25.00 for each political subdivision, except herein excluded."

PACE.

Second reading of the motion and the substitute was called for.

Motion to Table.

Senator Stone moved to table the motion by Senator Woodward and the substitute by Senator Pace.

Division Called For.

Senator Poage called for a division of the motions to table.

The motion to table the substitute motion offered by Senator Pace prevailed by the following vote:

Yeas—18.

| | |
|----------|-------------|
| Collie. | Parr. |
| Cousins. | Patton. |
| DeBerry. | Poage. |
| Duggan. | Purl. |
| Hornsby. | Rawlings. |
| Martin. | Redditt. |
| Murphy. | Regan. |
| Neal. | Sanderford. |
| Oneal. | Stone. |

Nays—7.

| | |
|-----------|-----------|
| Greer. | Pace. |
| Holbrook. | Woodruff. |
| Hopkins. | Woodward. |
| Moore. | |

Present—Not Voting.

Beck.

Absent.

Blackert.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Small (absent) who would vote yea.

The motion to table the motion offered by Senator Woodward prevailed by the following vote:

Yeas—15.

| | |
|----------|-------------|
| Collie. | Patton. |
| Cousins. | Purl. |
| DeBerry. | Rawlings. |
| Hornsby. | Redditt. |
| Martin. | Regan. |
| Murphy. | Sanderford. |
| Neal. | Stone. |
| Parr. | |

Nays—9.

| | |
|-----------|-----------|
| Duggan. | Pace. |
| Holbrook. | Poage. |
| Hopkins. | Woodruff. |
| Moore. | Woodward. |
| Oneal. | |

Present—Not Voting.

Beck.

Greer.

Absent.

Blackert.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Small (absent) who would vote yea.

Motion to Take Up S. B. No. 17.

Senator Poage renewed his motion to suspend the regular order of business and take up S. B. No. 17.

The motion to take up lost by the following vote:

Yeas—13.

| | |
|-----------|-----------|
| Blackert. | Pace. |
| DeBerry. | Poage. |
| Duggan. | Redditt. |
| Greer. | Woodruff. |
| Holbrook. | Woodul. |
| Moore. | Woodward. |
| Oneal. | |

Nays—13.

| | |
|----------|-------------|
| Collie. | Parr. |
| Cousins. | Purl. |
| Hopkins. | Rawlings. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Murphy. | Stone. |
| Neal. | |

Present—Not Voting.

Beck.

Absent.

Patton.

Absent—Excused.

Fellbaum.

Small.

**New Conference Committee
Appointed.**

The Chair, Lieutenant Governor Edgar E. Witt, appointed as conferees on the new conference committee on H. B. No. 7 on the part of the Senate: Senators Rawlings, Collie, Woodward, Poage, Woodruff.

C. S. S. B. No. 4.

Pending business was the adoption of the substitute amendment by Senator DeBerry to the Woodruff amendment to C. S. S. B. No. 4.

Motion to Table.

Senator Rawlings moved to table the amendment by Senator DeBerry.

The motion to table prevailed by the following vote:

Yeas—21.

| | |
|-----------|-------------|
| Blackert. | Parr. |
| Duggan. | Patton. |
| Greer. | Purl. |
| Holbrook. | Rawlings. |
| Hopkins. | Redditt. |
| Hornsby. | Regan. |
| Martin. | Sanderford. |
| Murphy. | Stone. |
| Neal. | Woodul. |
| Oneal. | Woodward. |
| Pace. | |

Nays—5.

| | |
|----------|-----------|
| Collie. | Moore. |
| Cousins. | Woodruff. |
| DeBerry. | |

Absent.

Beck.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Poage (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator DeBerry sent up the following amendment to C. S. S. B. No. 4:

Amend Committee Substitute to Senate Bill No. 4, by adding thereto a new section to be known as Section 6-B, as follows:

"Sec. 6-B. The Centennial Fund as used herein is hereby defined to be a fund created by the Forty-third Legislature, Fourth Called Session, by special taxes voted by said session and shall not constitute and be made up of funds from any other source whatever."

DeBERRY,
REDDITT.

Senator DeBerry withdrew his amendment.

Senator Oneal sent up the following amendments to C. S. S. B. No. 4 to be printed in the Journal:

Amendment No. 1.

Amend Committee Substitute Senate Bill No. 4 by adding at the end of Section 3 and as separate paragraphs thereof the following:

Within the term "celebration" as used in this section with reference to all places herein named, except the cities of Dallas and Fort Worth, is included the following: the placing of suitable markers of places where historic events occurred; the restoring at no great expense of all or of parts of old houses, forts, and other old structures connected with the history of the territory now embraced in the State of Texas; the placing at no great expense of monuments to early patriots of Texas if such monuments have not heretofore been erected; the purchasing at no great expense of small tracts of land where necessary for the restorations herein mentioned, or for the monuments mentioned; and pageants at the places mentioned; provided that in the matter of pageants the Texas Centennial Commission shall require a contribution by each local community which shall be substantial and proportionate to the amount allowed by the commission.

Notwithstanding the other provisions of this Act, the commission shall not have the authority arbitrarily to refuse to allocate for the purposes of Centennial Celebration funds to any place designated in this sec-

tion, but in case of refusal of such allocation to any such place must file its written report of reasons with the Advisory Board of Texas Historians provided for in Section 5 of this Act, and this report shall be a public record open for inspection.

ONEAL.

Amendment No. 2.

Amend Committee Substitute S. B. No. 4, by adding immediately after Section 7, a Section to be known as Section 8, as follows:

Section 8. (1) An accurate account of all monies and properties coming into the hands of the Centennial Commission from sales of concessions or otherwise shall be kept and it shall be the duty of the Comptroller General of the Texas Centennial Celebration to audit regularly monthly such accounts and to file with the Comptroller of Public Accounts of the State of Texas reports upon said audits of said funds and properties similar to those required of him in Section 4 of this Act as to the funds appropriated in this Act.

(2) An accurate account of all monies and properties, affairs and transactions of any private corporation for which the Texas Centennial Commission may procure or cause to be procured a charter, shall be kept by each of such corporations and it shall be the duty of the Comptroller General of the Texas Centennial Exposition to make a regular monthly audit of all moneys and properties, affairs and transactions of each of said private corporations and to file with the Comptroller of Public Accounts of the State of Texas reports upon such audits of said moneys and funds, affairs and transactions similar to those required of him in Section 4 of this Act as to the funds appropriated in this Act.

ONEAL.

Amendment No. 3.

Amend Committee Substitute S. B. No. 4, by striking out all of Section 5 thereof and inserting in lieu thereof the following:

Section 5. There is hereby created an Advisory Board of Texas Historians, consisting of three members, whose duty it shall be to investigate and report upon and recommend to the Texas Centennial Commission the advisability as to the various ex-

penditures permitted under the terms of this bill insofar as 40% of the funds are allocated for historical and cultural purposes. Duplicate copies of these reports shall be filed in the office of the Secretary of State, and shall be open during office hours of that department to public inspection. The Texas Centennial Commission shall have the right of final decision in the matter of such expenditures.

The Advisory Board here created shall consist of Dr. Eugene C. Barker Dr. Chas. K. Hackett and L. W. Kemp. In the case of a vacancy caused by the failure to accept this appointment, or by resignation, or death, such vacancy shall be filled by appointment by the Governor of the State of Texas. This Advisory Board shall have its headquarters in Austin, Texas. The reasonably necessary expenses of the Advisory Board incurred in the performance of its duties shall be paid by the Texas Centennial Commission.

ONEAL.

Amend C. S. S. B. No. 4, Section 5, line 19, by striking out all after the word "bill," and adding the following:

"for patriotic and cultural celebrations or observances, for restorations and for the placing of markers, etc., to vouch for the authenticity of the claims for Centennial recognition of the various places named herein, or that may be named hereafter; to weigh the relative merits of such claims and to decide as between them and to determine the kind and character of celebration, observance, memorial or marker at each place thus agreed upon. In all cases the Texas Centennial Commission shall have final jurisdiction in the matter of the above celebrations, etc., and as to expenditures for the same."

NEAL.

Amend C. S. S. B. No. 4, page 9, Section 3, line 50, by inserting after the word "Pampa" the following:

"Panola County, or Harrison, Gregg, Rusk or Shelby Counties, one or all, according to the judgment of the Historical Advisory Board created herein and the Texas Centennial Commission."

NEAL.

Senators Moore and Redditt sent up the following amendments:

Amend Committee Substitute to S. B. No. 4, by adding a new section to be known as Section —.

Amendment No. 1.

Section —. The funds herein appropriated shall never be a charge against the general revenue of the State but shall be available as, if and when, the Legislature, by a special act, shall assess special and/or additional taxes with which to pay the appropriation or appropriations herein authorized; but in no event shall the funds herein provided be available unless and until the City of Dallas shall have expended the amount of money proposed in that city's agreement with the Centennial Commission.

MOORE,
REDDITT.

Amendment No. 2.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Section —. Before any of the funds herein appropriated shall become available for expenditure directly by the members of the Centennial Commission, it shall be necessary for said Commission through its proper officers or committees to make a budget of such funds and submit such budget to a committee to be composed of the Governor, the Chairman of the Board of Control and the State Auditor and Efficiency Expert for approval or disapproval. Such committee composed of the Governor Chairman of the Board of Control and State Auditor and Efficiency Expert shall have the power to make such changes in the budget as in its wisdom is deemed best for the proper and economical expenditure of the funds and shall keep a copy of the budget and minutes of its meetings in a permanent record book which shall at all times be available for inspection by any citizen of the State, such book of records and budget to be a permanent record in the office of the State Auditor and Efficiency Expert.

All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State as the law now provides.

MOORE,
REDDITT.

Amendment No. 3.

Amend Committee Substitute to S. B. No. 4 as follows:

Section —. It shall be unlawful for any member of the Centennial Commission or any member of the Centennial Commission Advisory Board to charge, receive or obtain, directly or indirectly any fee, commission, retainer, or brokerage, out of any fund or funds received by the Centennial Commission; and no member of the Centennial Commission or the Centennial Commission Advisory Board shall have any interest in any land, materials, concessions or contracts sold to or made with either the Centennial Commission or the Centennial Commission Advisory Board or any individual or committee represented by any member of said Commission or Advisory Board. Violation of this provision shall be a misdemeanor and violation thereof shall be punishable by removal from such Commission or Advisory Board and by fine of not less than one hundred (\$100.00) dollars or six months confinement in jail or by both such fine and jail sentence.

MOORE,
REDDITT.

Amendment No. 4.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Section —. The Centennial Commission and the Board of Control are hereby prohibited from contracting for the purchase or acquirement by lease or otherwise of real estate unless and until the deeds, records and all other necessary legal documents incident thereto have been approved by the Attorney General of the State of Texas, as now provided by law.

MOORE,
REDDITT.

Amendment No. 5.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Section —. No part of the funds herein appropriated shall be used or expended by the Centennial Commission or by any committee or member thereof, nor by any other committee, individual, community, corporation or political subdivision for the erection of permanent buildings

or other structures upon any land or lands, the title to which land or lands is not vested in the State of Texas.

MOORE,
REDDITT.

Amendment No. 6.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Sec. — None of the funds herein provided, nor any of the funds arising from any other source or coming under the supervision of the Centennial Commission or the Board of Control for the Centennial shall be used to pay the salary of any member of the Texas Centennial Commission or any member of the Centennial Commission Advisory Board or any employee of said commission who is related by blood or marriage within the second degree to any member of the Centennial Commission or the Centennial Commission Advisory Board, or the head of any department of the State government, or to any member of the Legislature, or to any member or employee of the Board of Control, and no person so related shall be employed by the Centennial Commission or by the Board of Control under this Act.

MOORE,
REDDITT.

Amendment No. 7.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Sec. — No individual, firm, corporation, partnership or co-partnership having membership on or representation on the Centennial Commission or the Centennial Commission Advisory Board, whether directly or indirectly, shall sell directly or indirectly, any material, supplies or equipment used in the construction or equipping of any building, monument or marker, built or constructed out of the funds herein appropriated; provided further that the delivery of equipment, supplies or material shall be accompanied by affidavit properly signed and attested under oath that the consignor is in no wise related by blood or marriage to any member of the Centennial Commission or Centennial Commission Advisory Board, and that no member is directly or indirectly interested in the sale of supplies,

equipment or material delivered or sold to the Centennial Commission.

MOORE,
REDDITT.

Amendment No. 8.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Sec. — In no event shall any of the funds hereinabove appropriated become available for use in the construction, erection, equipment or maintenance of buildings, monuments or markers, herein provided for unless and until all bids and contracts for supplies, equipment and material for such buildings, monuments and markers shall be advertised, supervised and approved by the Board of Control as provided for in Article 665, Chapter 4 of the Laws of the State of Texas.

MOORE,
REDDITT.

Amendment No. 9.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Sec. — No part of the funds herein appropriated shall be expended for salary or expenses, directly or otherwise, for envoys outside of Continental North America.

MOORE,
REDDITT.

Amendment No. 10.

Amend Committee Substitute to S. B. No. 4, by adding a new section as follows:

Sec. — It shall be the duty of the Executive Committee of the Centennial Commission to keep full and correct records of all receipts from rents, concessions, contracts and all other sources of revenue and income received by the Centennial Commission and make monthly reports of same to the Comptroller of Public Accounts of the State of Texas.

It shall also be the duty of the Comptroller of the Centennial Commission to deposit monthly all receipts of whatever kind or character and from whatever source in the State Treasury in a special fund to be known as the "Special Centennial Fund" and it shall be obligatory upon the Treasurer of the State of Texas to deduct monthly from

such deposits twenty-five (25%) per cent and deposit monthly such twenty-five (25%) per cent discount in the General Revenue fund of the State of Texas until the amount so deducted from month to month from the Centennial income and deposited in the General Revenue Fund shall equal the total appropriations made by the Texas Legislature.

No part of the receipts of the Centennial Commission for any current month, except the original appropriation provided for in Section 1, of this Act, shall be expended unless and until the General Revenue Fund of the State has been reimbursed to the amount of twenty-five (25%) per cent as provided in the above foregoing paragraph.

Insofar as this section is in conflict with Section 16, of Chapter 69, Acts of the Second Called Session, Forty-third Legislature, 1934, and known as Senate Bill No. 22, said Section 16, of Chapter 69, is hereby specifically repealed.

MOORE,
REDDITT.

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend Committee Substitute for S. B. No. 4 by adding a new section to be known as Section 6-M, as follows:

Sec. 6-M. It is expressly provided that the Centennial Commission of Texas and/or any officer, agent, employee, or any of the agencies of any kind or character administering the funds of this Act, or the funds derived from any other source, shall not have any authority to pay any salary, wages or commissions to any employee, officer or agent employed that shall be greater in amount than the amount appropriated by the Forty-third Legislature of the State of Texas at its Regular Session for the support of the departments of government, for any one position, employee or officer, said bill known as House Bill No. 167, shown as Chapter 166 of the Acts of the Forty-third Legislature, Regular Session, and it is expressly provided that any compensation or wages fixed shall not exceed the limits fixed for the same or similar position as specified by said appropriation bill. However,

the provision shall not apply to the Director General of the Centennial.

REDDITT.

Amendment No. 2.

Amend Committee Substitute to Senate Bill No. 4 by adding thereto a new section to be known as Section 6-N, as follows:

Sec. 6-N. It is further expressly provided that none of the funds herein appropriated, or funds derived for any other source, shall not be used for traveling expenses beyond the territorial limits of the United States, and can be used only for traveling expenses outside of the State of Texas only in the event approval is given therefore by the State Board of Control of the State of Texas.

REDDITT.

Amendment No. 3.

Amend Committee Substitute to Senate Bill No. 4 by adding a new section to be known as Section 6-O, as follows:

Sec. 6-O. It is expressly provided that none of the funds or amounts herein appropriated shall become available until the bonds voted and issued by the City of Dallas shall have been sold and the proceeds thereof placed at the disposal of the Texas Centennial Commission or the agents charged with the handling of the Centennial Funds of the State of Texas.

REDDITT.

Amendment No. 4.

Amend Committee Substitute for Senate Bill No. 4 by adding thereto a new section to be known as Section 6-P, as follows:

Sec. 6-P. The Centennial Commission of the State of Texas, or the commission or agency charged with the handling of the Texas Centennial, is expressly prohibited from employing any person or persons who have not been, at the time of said employment, bona fide citizens of the State of Texas for a period of over 5 years.

REDDITT.

Amend S. B. No. 4, at page 6, after line 48 on said page, by the addition of the following section:

For Hill County.

(a) For the erection of a suitbale monument and the construction of

an iron fence around the grave of Phillip Nolan, one of the earliest explorers of the State, who is buried in the northwest part of Hill County, the sum of five thousand (\$5,000) dollars.

(b) For the acquisition of ground of old Fort Graham a suitable acreage connected therewith, which is one of the earliest forts ever erected in the State, being situated on the west side of Hill County, and for many years the boundary line between civilization and Indian reservations, the sum of two thousand five hundred (\$2,500) dollars.

(c) For the erection of suitable monuments and iron railings upon and around the graves of those massacred at Battle Creek by the Indians in Hill County. Those massacred being surveyors surveying that territory at the time so as to make it available for a legal division among the pioneers of the State, the sum of two thousand five hundred (\$2,500) dollars.

Reducing the amount of appropriation for all other purposes as mentioned in this bill, so as to permit the allocation of the above named items for Hill County, and provided further that the expenditure of the said sums herein appropriated shall be directed and superintended by the Centennial Committee, assisted by the following named persons and citizens of Hill County, to-wit:

Mrs. J. C. Butts,
Mrs. Ella Stevens Watson, and
Mrs. S. L. Robertson,

and further provided, that should the said amount of ten thousand (\$10,000) dollars not all be consumed in carrying out the above named projects properly, then the residue of the amount, if any, may be used for other purposes as directed by the said Centennial Committee and the above named citizens of Hill County.

MARTIN.

Amend S. B. No. 4 by adding the word "Grimes County" in Section 1, line 46, after the word "Bastrop," page 9 of the printed bill.

PATTON.

Amend pending Oneal amendment, tenth line from the top, by striking

out the words "at no great expense" found after the word "placing."

WOODUL.

Amend S. B. No. 4 by striking out the word "Dallas" where it appears in the bill and inserting in lieu thereof the word "San Antonio" and vice versa.

SANDERFORD.

Amend Committee Substitute S. B. No. 4, Section 6, line 40, by adding the following immediately after the word "Commission,": "\$50,000 of which shall be offered as two prizes of \$25,000 each for the best, most interesting and most authentic literary works on Texas history and a historical novel most accurately portraying the life, past and present, of our people. Such prizes to be awarded by the Texas Centennial Commission."

DUGGAN.

Amend Committee Substitute for Senate Bill No. 4, by adding thereto a new section to be known as Section 5-A, which shall read as follows:

"Sec. 5-A. The State Health Officer shall have supervision of Public Health and Sanitation, and shall enforce all sanitary laws of Texas insofar as they apply to all the activities of the Texas Centennial, and all necessary expenses therefor shall be paid out of the Centennial Funds for this purpose."

BECK.

Request to Print.

Senator Oneal asked unanimous consent to print in the Journal the conference committee report on H. B. No. 6.

Unanimous consent was granted.

Committee Room,
Austin, Texas, Nov. 5, 1934.
Hon. Edgar E. Witt, President of the Senate.
and

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 6, beg leave to submit the following report:

We have had H. B. No. 6 under

consideration, and recommend the adoption of the attached bill:

POAGE,
COLLIE,
ONEAL,
REDDITT,
PACE.

On part of the Senate.

HUGHES,
JONES of Atascosa,
GOOD,
LOTIEF,
POPE.

On part of the House.

A BILL

To Be Entitled

AN Act providing that on and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way as to permit the payment, during the months of October, November and December of the year for which such taxes are assessed, of certain percentages of the amount that such taxes would be if paid after the expiration of the year; prescribing forms for such assessments and payments, and providing for the manner by which said provisions would apply to cities, towns, and independent school districts; amending Article 7336 of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 311, Chapter 117 of the General Laws of the Forty-second Legislature, so as to add provisions for a graduated penalty on all ad valorem and poll taxes not paid on or before the 31st day of January following the year for which such taxes are assessed and for interest on such taxes from the date of delinquency, for setting the date of delinquency, for amending the provisions as to preparing lists of delinquent taxes and providing for certain matters to be contained in delinquent tax statements; providing for the release of penalty and interest on certain ad valorem and poll taxes for 1934 if this bill does not become effective until after February 1, 1935, and providing for penalty and interest on same thereafter; repealing all laws and parts of laws in conflict; providing that if any clause, section, sentence, paragraph or part of the Act be held invalid, such invalidity shall not invalidate the remainder; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. On and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way

(1) that such taxes, if entirely paid during the month of October of the year for which such taxes are assessed, will be ninety-seven per cent (97%) of the amount that such taxes would be if paid after the expiration of said year;

(2) that such taxes, if entirely paid during the month of November of the year for which such taxes are assessed, will be ninety-eight per cent (98%) of the amount that such taxes would be if paid after the expiration of said year; and

(3) that such taxes, if entirely paid during the month of December of the year for which such taxes are assessed, will be ninety-nine per cent (99%) of the amount that such taxes would be if paid after the expiration of said year.

(4) that such taxes, if entirely paid during the month of January after the year for which such taxes are assessed, will be one hundred per cent (100%) of the amount of such taxes assessed.

The Comptroller of Public Accounts shall prescribe suitable forms for tax rolls to be used by the Assessor and Collector of taxes in making such assessments and in crediting payment thereof.

The provisions of this section shall not apply to ad valorem taxes of any city, town, or independent school district, unless and until the governing body thereof shall pass an ordinance or resolution providing that the provisions of this section shall apply to ad valorem taxes of such city, town, or independent school district.

Sec. 2. Article 7336 of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 311, Chapter 117, of the General Laws of the Forty-second Legislature, Regular Session, is hereby amended so as hereafter to read as follows:

Article 7336. If any person shall pay, on or before November thirtieth of the year for which their assessment is made, one-half of the taxes imposed by law on him or his property, then he shall have until and including the thirtieth day of the succeeding June, within which to pay the other one-half of his said taxes without penalty or interest thereon.

If said taxpayer, after paying said one-half of his taxes on or before November thirtieth, as hereinbefore provided, shall fail or refuse to pay, on or before June thirtieth next succeeding said November, the other one-half of his said taxes, a penalty of eight per cent (8%) of the amount of said unpaid taxes shall accrue thereon.

If any person fails to pay one-half of the taxes, imposed by law upon him or his property, on or before the thirtieth day of November of the year for which the assessment is made, then unless he pays all of the taxes, (imposed by law on him or his property), on or before the thirty-first day of the succeeding January, the following penalty shall be payable thereon, to-wit: During the month of February, one per cent (1%); during the month of March, two per cent (2%); during the month of April, three per cent (3%); during the month of May, four per cent (4%); during the month of June, five per cent (5%); and on and after the first day of July, eight per cent (8%).

If any person fails to pay the poll taxes, imposed by law upon him, until after the thirty-first day of January next succeeding the year for which said poll tax was assessed, the following penalty shall be payable thereon, to-wit: During the month of February, one per cent (1%); during the month of March, two per cent (2%); during the month of April, three per cent (3%); during the month of May, four per cent (4%); during the month of June, five per cent (5%); and on and after the first day of July, eight per cent (8%).

All ad valorem and poll taxes shall become delinquent if not paid by July first of the year next succeeding the year, for which the return of the assessment rolls of the county are made to the Comptroller of Public Accounts. All delinquent taxes shall bear interest at the rate of six per cent (6%) per annum from the date of their delinquency.

All penalties and interest provided in this Act shall, when collected, be paid to the State counties and districts, if any, in proportion to the taxes upon which the penalties and interest are collected.

The Assessor and Collector of taxes shall, as of the first day of

July of each year for which any State, county and district taxes for the preceding year remain unpaid, make up a list of the lands and lots and/or property on which any taxes for such preceding year are delinquent, charging against the same all unpaid taxes assessed against the owner thereof on the rolls for said year.

Penalties, interest and costs accrued against any land, lots and/or property need not be entered by the Assessor and Collector of taxes on said list but, in each and every instance, all such penalties, interest and costs shall be and remain a statutory charge with the same force and effect as if entered on said list, and the Assessor and Collector of Taxes shall calculate and charge all such penalties, interest and costs on all delinquent tax statements or delinquent tax receipts issued by him.

Said list shall be made in triplicate and presented to the Commissioners' Court for examination and correction, and after being so examined and corrected said list in triplicate shall be approved by said Court. One copy thereof shall be filed with the County Clerk or Auditor, one copy retained and filed by the Assessor and Collector of taxes, and one copy forwarded to the Comptroller with the annual settlement report of the Assessor and Collector of taxes. Said list, as compiled by the Assessor and Collector of taxes, and corrected by the Commissioners' Court, or the rolls or books on file in the office of the Assessor and Collector of taxes, shall be prima facie evidence that all the requirements of the law have been complied with by the officers of courts charged with any duty thereunder, as to regularity of listing, assessing, and levying all taxes therein set out, and that the amount assessed against said real estate is a true and correct charge. If the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, but there is a sufficient description in the inventories in the office of the Assessor and Collector of taxes, then said inventories shall be admissible as evidence of the description of said property.

The Comptroller of Public Accounts shall prescribe suitable forms to be used by the Assessor and Collector of taxes for noting thereon the

payment of taxes in semiannual installments. He shall also prescribe suitable forms for receipts, reports and for any other purpose necessary in carrying out the provisions of this section.

This provision is cumulative of all other provisions of the Statutes of the State prescribing the duties of the Comptroller of Public Accounts.

Sec. 2a. If this Act does not become effective until after February 1, 1935, then in that event all interest and penalties that may have accrued on ad valorem and poll taxes delinquent for the year 1934 and to which Section 2 applies, are hereby released and said taxes shall be paid with the same penalties and interest as set out in Section 2 hereof; it being the purpose and intent of the Legislature that the policy as to penalty and interest set up in Section 2 shall in any event apply to the taxes assessed for the year 1934.

Sec. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed in so far as the same are in conflict with the provisions hereof.

Sec. 4. It is further provided that in case any section, clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent or final Jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 5. The fact that millions of dollars in taxes are now due and have been due to the State of Texas and its subdivisions for many years past by taxpayers who could and would meet their obligations to the State Government if a reasonable penalty and reasonable rate of interest were charged and continued to be charged to all taxpayers alike during the coming years, creates an emergency and imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 12, A bill to be entitled "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency."

H. B. No. 21, A bill to be entitled "An Act amending Sections 1, 4, 6, and 8, of Chapter 162, House Bill No. 154, Acts of Regular Session of the Forty-third Legislature, and Section 2, with the exception of Subdivision 1, thereof, and Sections 3, 5, and 9, of Chapter 162, House Bill No. 154, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for credit for taxes paid by mistakes; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchasers; etc., and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act to amend Chapter 40, of the Acts of the First Called Session of the Forty-third Legislature, otherwise known as Article 3886b or Article 3886c, so as to provide for and authorize a more efficient workable and economical plan and method for the conduct and operation of the office of the district or criminal district attorneys in counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants; and for the payment of the expenses of such offices, including the salaries payable to such district or criminal district attorneys and their employes and assistants; fixing the number and compensation of such assistants and employes; providing methods for their appointment; providing for the payment of the salaries of certain of such assistants and employes by said counties from the general funds thereof; providing for the payment of the salaries of certain of said assistants and employes from the fees collected by such offices; etc., and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act to provide that all cities situated not more than one hundred (100) miles from the Gulf of Mexico, and not more than fifty (50) miles from any stream forming an international boundary, may mortgage and encumber their abattoirs and the income thereof, for the purpose of constructing, acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes, and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act appropriating the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated, to pay the mileage and per diem of Members and to pay the salaries and per diem of officers and employes of the Fourth Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 40, A bill to be entitled "An Act amending Chapter 28 of the Special Laws of the First Called Session of the Forty-third Legislature, and declaring an emergency."

(With engrossed rider.)

H. B. No. 47, A bill to be entitled "An Act to amend Chapter 68, Acts of the First Called Session of the Forty-third Legislature, creating a conservation and reclamation district by the name of 'Lower Neches Valley Authority,' so as to better provide for securing Federal funds for such district and provide work for the relief of unemployed persons of Texas, and requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; etc., and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 48, A bill to be entitled "An Act granting consent to Kate Levy, a feme sole, to bring, maintain, and prosecute against the State of Texas in any district court of Travis County, Texas, upon certain deficiency warrants; providing for payment of any judgment rendered against the State of Texas in said suit; providing that either party to said suit shall have the right to appeal from any judgment rendered, and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners courts to provide for annual exhibits of horticultural and agricultural prod-

ucts, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements; etc., and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants, as shown by the next preceding Federal Census, to build, construct, enlarge, encumber or purchase municipal boathouses, and boat piling protections, and wharfs, docks, walks, ways, walls, bulkheads and fills in connection with and in aid of the use of such boathouses and boat piling protections; etc., and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act repealing Senate Bill No. 265, Chapter 14, Acts of the Regular Session of the Forty-second Legislature, providing for a rural school supervisor in certain counties in lieu of teachers' institutes; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table by a vote of 69 yeas and 43 nays,

H. B. No. 13, A bill to be entitled "An Act authorizing and directing the Texas State Highway Commission to lease the right of ways along the State highways for advertising purposes, and directing the State Highway Commission to prescribe rules and regulations governing the leasing of these right of ways, and directing the State Highway Commission to prescribe rules and regulations for the erection and maintenance of signs on the highways; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 15, A bill to be entitled "An Act to make it unlawful to take or catch in any manner from any of the public waters, rivers, creeks or lakes in Gonzales County, any bass, crappie, white perch, calico bass or brem, or to have in his possession or retain in any way any bass, crappie, white perch, calico bass or brem caught or taken from such waters during certain months; and fixing a penalty for violation of this Act."

H. B. No. 41, A bill to be entitled "An Act amending Senate Bill No. 22, Chapter 69, page 164, Acts of the Second Called Session of the Forty-third Legislature, by providing that a new section to be added to be known as Section 10-a; amending Section 14 of said Senate Bill No. 22; and further providing that the Texas Centennial Commission may contract or agree with any private parties, association or corporation for the financing of such Texas Centennial, for profit; etc., and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act making appropriation for the enforcement of the Boxing and Wrestling Law during the fiscal year ending September 1, 1935, and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year ending August 31, 1934, and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 13 of Title 49, Revised Civil Statutes of 1925, by adding thereto an additional article to be known as Article 2790-d, authorizing independent school districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers; etc., and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act repealing S. B. No. 61, Chapter 14, Acts of the Regular Session of the Forty-first Legislature, providing for a Rural School Supervisor in certain counties in lieu of

Teachers' Institutes; prescribing the duties of said Supervisor; etc., and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925 by providing that Brazoria County be added to the list of counties excepted from the provisions of said Article, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused the request of the Senate for the appointment of a new conference committee on House Bill No. 7 by a vote of 72 yeas and 34 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 15, referred to the Committee on Game and Fish.

H. B. No. 41, referred to the Committee on State Affairs.

H. B. No. 43, referred to the Committee on Finance.

H. B. No. 53, referred to the Committee on Finance.

H. B. No. 70, referred to the Committee on Education.

H. B. No. 74, referred to the Committee on Education.

H. B. No. 75, referred to the Committee on Game and Fish.

H. B. No. 40, referred to the Committee on Game and Fish.

H. B. No. 47, referred to the Committee on State Affairs.

H. B. No. 55, referred to the Committee on County and County Boundaries.

H. B. No. 48, referred to the Committee on State Affairs.

H. B. No. 67, referred to the Committee on Towns and City Corporations.

H. B. No. 71, referred to the Committee on Education.

H. B. No. 12, referred to the Committee on Finance.

H. B. No. 21, referred to the Committee on State Affairs.

H. B. No. 52, referred to the Com-

mittee on Towns and City Corporations.

H. B. No. 62, referred to the Committee on Criminal Jurisprudence.

H. B. No. 63, referred to the Committee on State Affairs.

H. B. No. 68, referred to the Committee on Finance.

H. C. R. No. 5.

Senator Moore asked unanimous consent to suspend the regular order of business and take up without reference to a committee H. C. R. No. 5 relative to sine die adjournment.

Senator Purl objected.

Motion to Take Up.

Senator Moore moved to suspend the regular order of business and to take up without reference to a committee H. C. R. No. 5.

The motion lost by the following vote:

Yeas—9.

| | |
|----------|-----------|
| Beck. | Redditt. |
| Collie. | Regan. |
| DeBerry. | Woodruff. |
| Moore. | Woodul. |
| Parr. | |

Nays—18.

| | |
|-----------|-------------|
| Blackert. | Oneal. |
| Duggan. | Pace. |
| Greer. | Patton. |
| Holbrook. | Poage. |
| Hopkins. | Purl. |
| Hornsby. | Rawlings. |
| Martin. | Sanderford. |
| Murphy. | Stone. |
| Neal. | Woodward. |

Absent.

Cousins.

Absent—Excused.

Fellbaum. Small.

The Chair, Lieutenant Governor Edgar E. Witt, referred H. C. R. No. 5 to the Committee on State Affairs.

Motion to Recess.

Senator Woodruff moved to recess until 8 o'clock p. m.

Senator Hopkins moved as a substitute to recess until 10:00 o'clock a. m. Wednesday.

The motion by Senator Hopkins prevailed by the following vote:

Yeas—16.

| | |
|-----------|-------------|
| Beck. | Moore. |
| Blackert. | Parr. |
| Collie. | Patton. |
| Cousins. | Redditt. |
| DeBerry. | Regan. |
| Duggan. | Sanderford. |
| Hopkins. | Stone. |
| Martin. | Woodward. |

Nays—12.

| | |
|-----------|-----------|
| Greer. | Pace. |
| Holbrook. | Poage. |
| Hornsby. | Purl. |
| Murphy. | Rawlings. |
| Neal. | Woodruff. |
| Oneal. | Woodul. |

Absent—Excused.

| | |
|-----------|--------|
| Fellbaum. | Small. |
|-----------|--------|

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Nov. 6, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this act."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

HOLBROOK, Chairman.

Committee Amendment.

Amend House Bill No. 4 by inserting after the last sub-total on the last page of the bill the following, and amend the grand total to conform:

| | |
|--|----------|
| "To be paid out of the General Fund | |
| To pay Chas. Ott, Dallas, Texas, Refund Warrant No. 297..... | \$ 5.27 |
| To pay C. L. Mitchell, Huntsville, Texas, Sheriff fees | 107.10 |
| To pay I. G. McGee, Waco, Texas, Personal Services | 76.92 |
| To pay Jake Little, Rosebud, Texas, Witness fees | 6.72 |
| To pay N. C. Johnston, Excess property tax.... | 65.03 |
| To pay N. C. Johnston, Excess property tax.... | 159.76 |
| To pay Ira Burnett, Canton, Texas, Sheriff fees | 721.00 |
| To pay Border Finance Company, El Paso, Texas, Refund of Occupation Tax | 150.00 |
| To pay Wrought Iron Range Corporation, St. Louis, Mo., Refund of Franchise Tax | 5,352.00 |
| To pay The Schuhmacher Company, Houston, Texas, Refund Overpayment of License on truck | 20.80 |
| To pay Mrs. A. T. Sharp, Carthage, Texas, Overpayment of taxes | 13.04 |
| To pay First National Bank, Trustee, Lamar County, Texas, Excess taxes paid by error | 19.81 |
| To pay Jack F. Dawson, Douglas, Arizona, Refund on Occupation tax | 350.00 |
| To pay J. M. Blake, Houston, Texas, witness fees | 19.36 |
| To pay Elam Dudley, Ft. Worth, Texas, Refund License fee | 35.80 |
| To pay Lew Irwin, Alton, Texas, Sheriff fees | 360.60 |
| To pay Clark's Wholesale & Retail Feed Stores, Stephenville, Texas, Witness fees | 89.60 |

| | |
|---|----------|
| To pay Big Jo Lumber Company of Kansas, Refund of Franchise tax | 1,555.00 |
| To pay J. N. Brooker, Estate, Ft. Worth, Texas, Refund of Excess taxes | 27.85 |
| To pay W. G. Gayle, Lone Oak County, Texas, Attorney fees | 528.36 |
| To pay J. S. Bond, Palo Pinto County, Texas, Sheriff fees | 276.65 |
| To pay Mrs. Myrtle McGee, Mrs. Ann Ealey and R. H. Moore, Ft. Worth, Texas, Judgment rendered against Charley Lockhart, State Treasurer of Texas, Cause No. 32522 | 412.66 |
| To pay Frances Cotton, Eastland, Texas, for stenographic services rendered in connection with lawsuit in Eastland County, Texas | 442.80 |
| To pay J. J. Gilman, Paris, Texas, Fifty Dollars refund on wrestling promoter's license which was never used | 50.00 |
| To pay Mrs. J. M. Summy, Cooke County, Texas, refund of State taxes wrongfully assessed and collected on homestead | 11.09 |
| To pay Paul Gilvin, 1212 South Adams Street, Fort Worth, Texas, refund on gasoline tax | 256.85 |
| To pay Western Telephone Corporation of Texas, for refund of overpayment of gross receipts tax | 1,564.15 |
| To pay Mrs. J. B. Race, Cooke County, Texas, for refund of Homestead Tax on 200 acres of land | 15.40 |
| To pay Gulf Coast and Sante Fe Ry. for refund on freight haulage of materials and supplies for State Penitentiary System of Texas | 204.57 |
| To pay Hood Boone, Jim Wells County, Texas, | |

| | |
|--|--------|
| for unpaid expenses in holding court in Starr, Brooks and Duval Counties | 100.00 |
|--|--------|

| | |
|---|-----------|
| To pay Jacksboro, Jack County, Texas, Independent School District, for bonus for consolidation of several school districts which was approved by State Superintendent of Public Instruction, for which no bonus has yet been paid, said payment to be made out of any monies unallocated out of the Rural School Aid Appropriations | 3,500.00" |
|---|-----------|

(Majority Report.)

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 15, A bill to be entitled "An Act providing for the issuance of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of relief bonds under Section 51-a, Article 3, of the Constitution of Texas; providing for the sources of revenue from which said bonds shall be paid, and their denominations, date, maturities, interest rate, date of payment of interest, place of payment exempting the same from taxation; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOPKINS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 15, A bill to be entitled "An Act providing for the issuance of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of relief bonds under Section 51-a, Article 3, of the Constitution of Texas; providing for the sources of revenue

from which said bonds shall be paid, and their denominations, date, maturities, interest rate, date of payment of interest, place of payment, exempting same from taxation; etc., and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority report on said bill and recommend that said bill do pass and be printed.

COLLIE,
WOODUL,
MARTIN,
PATTON,
PARR.

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 6, Granting permission to W. H. McKenzie to bring suit against the State of Texas in a court of competent jurisdiction to determine what compensation he is entitled to receive by reason of injuries received while an employee of the State Highway Department, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

HOPKINS, Chairman.

Amend S. C. R. No. 6 by adding after the word "jurisdiction" in line 4 of the last paragraph of the resolution, the words "in Travis County, Texas."

Adopted.

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 3, Granting to Fred B. Hills and Miss Lottie Hills permission to bring suit joining Jefferson County as a defendant with the American Elevator Company, Richards-Wilcox Manufacturing Company and Hunter-Hays Company in a court of competent jurisdiction in Jefferson County, in order to determine liability, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to provide that all cities situated not more than one hundred miles from the Gulf of Mexico, and not more than fifty miles from any stream forming an international boundary, may mortgage and encumber their abattoirs and the income thereof, for the purpose of constructing, acquiring or improving the same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 31, A bill to be entitled "An Act validating bonds issued, authorized by ordinance to be issued and/or attempted to be issued under the authority of Articles 1111 to 1118, both inclusive, of the Texas Revised Civil Statutes of 1925, Forty-third Legislature, page 320, Chapter 122, for the purpose of improving and extending an existing municipal sewer system by Home Rule cities having a population in excess of one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Vice-Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 26, A bill to be entitled "An Act amending Article 1976 of Title 42, Chapter 1 of the 1925 Revised Civil Statutes of the State of Texas, so as to provide the actual possession of property not necessary to maintain action provided for in Article 1975, Title 42, Chapter 1 of the 1925 Revised Civil Statutes of Texas; providing the manner of service on defendant or defendants in such action, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 23, A bill to be entitled "An Act changing the time of holding the terms of the District Court in the 100th Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws; fixing the effective date of the Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 9, A bill to be entitled "An Act for procuring Federal and other funds to provide work for the relief of indigent and unemployed persons of Texas; authorizing the State Highway Commission to con-

struct a free bridge and approaches thereto across the Neches River between Jefferson and Orange Counties in the State of Texas, on State Highway No. 87, with the channel span thereof having a vertical clearance of one hundred and seventy-six (176) feet above mean low water for a distance of four hundred (400) feet in the center of the span, and a horizontal clearance of not less than six hundred (600) feet between fenders of piers with a vertical clearance of not less than one hundred and forty (140) feet at the piers; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By McKee, et al.

H. B. No. 9.

A BILL

To Be Entitled

An Act for procuring Federal and other funds to provide work for the relief of indigent and unemployed persons of Texas; authorizing the State Highway Commission to construct a free bridge and approaches thereto across the Neches River between Jefferson and Orange Counties in the State of Texas, on State Highway No. 87, with the channel span thereof having a vertical clearance of one hundred and seventy-six (176) feet above mean low water for a distance of four hundred (400) feet in the center of the span, and a horizontal clearance of not less than six hundred (600) feet between fenders of piers with a vertical clearance of not less than one hundred and forty (140) feet at the piers; such bridge may be constructed by the State Highway Commission from funds granted by the Federal Emergency Administration of Public Works; from funds granted or furnished by any other Federal Agency or Agencies from proceeds of a bond issue of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), authorized to be voted and issued by Jefferson County for that purpose under the provisions of this Act; from funds which may be contributed by the State Highway Commission from the State Highway Fund, or from either, any, or

all of such sources; providing however, that it shall not be mandatory upon the State Highway Commission to contribute such State Highway Funds; and authorizing the State Highway Commission, in its discretion, to make its own contribution from State Highway Funds and to accept such Federal grant and such contribution from the County of Jefferson and apply same to the construction of such bridge and approaches thereto; providing the County Commissioners Court of Jefferson County may, and upon the petition of not less than two hundred (200) qualified taxpaying voters of said County, shall order an election within said County to determine whether the bonds of said County shall be issued in the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), the proceeds of which bond issue less certain expenses, shall be contributed to the State Highway Commission for the construction of such bridge; such bonds to bear interest at the rate of not exceeding five per cent (5%) per annum, and to mature not later than thirty (30) years from their date, and to be issued in such denominations and payable at such time or times as deemed most expedient by said Commissioners Court; and providing for levy and collection of sufficient annual tax to pay the annual interest and provide a sinking fund for payment of said bonds at maturity; such bonds to be voted and issued under the provisions of Chapters 1 and 2 of Title 22, Revised Civil Statutes of 1925, except as herein otherwise provided; authorizing the State Highway Commission and the Commissioners Court of Jefferson County, either or both, to make application or to amend or substitute an application for any pending application to any agency or agencies of the United States Government for a loan in the amount of said County bond issue and for a grant in such additional amount as may be permitted by law, and to sell or pledge, either or both, and deliver such County bonds to said Federal Agency or Agencies for the amount of such loan, and to enter into and execute any and all contracts and agreements with such agency or

agencies in reference thereto and to use the proceeds of such County bonds and such grant, either or both, for the construction of said bridge, provided additional moneys sufficient to complete such bridge and its approaches are contributed by the State Highway Commission; authorizing the sale of said bonds to any other person, firm or corporation if not sold or pledged to such Federal Agency or Agencies; providing such bond issue of Jefferson County and the proceeds thereof shall be used for no other purpose than toward the construction of such bridge; providing that no loan or grant shall be a debt against the State of Texas or against the State Highway Commission, and such bond issue shall constitute the debt and obligation, solely of Jefferson County; and declaring legislative intent that such bonds issued by Jefferson County shall not be assumed by or paid off by the Board of County and Road District Bond Indebtedness; authorizing the State Highway Commission to design, supervise and construct such bridge and approaches, or to contract therefor; such bridge and approaches to be the property of the State; making the funds allotted and contributed for such bridge a special fund to be used for no other purpose; providing if any part of this Act is unconstitutional the remaining parts shall, nevertheless remain effective; providing that unless such bond election is called within forty-five (45) days from the effective date of this Act, or unless such bond election, so called, shall carry, or unless the actual construction of such bridge is commenced by March 1, 1937, the authority granted by this Act shall not thereafter be exercised; repealing all laws and parts of laws, general, local and special, in conflict with the provisions of this Act to the extent of such conflict, and declaring an emergency.

Whereas, the construction of a free bridge across the Neches River; between Jefferson and Orange Counties on State Highway No. 87, in accordance with the provisions hereinafter set forth, will provide an essential improvement of and an important link in the State Highway System of Texas, long desired and needed by the people of Texas, and

in accomplishing such purpose will also provide relief in the form of employment for indigent and unemployed people in Texas; Therefore Be it enacted by the Legislature of the State of Texas:

Section 1. As used in this Act, the terms "State Highway Commission" and "Highway Commission" are synonymous, and each shall include within its meaning the terms "State Highway Department" and "Highway Department," and shall be construed to mean the Board in which is vested the administrative control of State Highways.

Sec. 2. The Highway Commission is authorized to erect a free bridge and approaches thereto across the Neches River between Jefferson and Orange Counties in the State of Texas, on State Highway Number 87 as now located or as hereafter relocated in accordance with the provisions of and subject to the limitations of this Act, viz:

(a) The central or channel span of such bridge shall have a vertical clearance of one hundred and seventy-six (176) feet above mean low water for a horizontal distance of four hundred (400) feet in the center of such span and a horizontal clearance of not less than six hundred (600) feet between fenders of piers with a vertical clearance of not less than one hundred and forty (140) feet at the piers.

(b) Such bridge may be constructed by the State Highway Commission from funds granted by the Federal Emergency Administration of Public Works, from funds contributed by the State Highway Commission from the State Highway Fund, and from funds granted or furnished by any other Federal agency or agencies, from the proceeds of the bond issue to be voted and issued by Jefferson County for that purpose under the provisions of this Act or from either, any, or all of such sources; and the State Highway Commission shall be authorized, in its discretion, to make its own contribution from State Highway funds and to accept such Federal grant and such contribution of said County of Jefferson and to apply the same to the construction of such bridge and approaches thereto, notwithstanding any Act of the Legislature now prohibiting counties from aiding or contributing moneys to the

improvement of any State Highway.

Nothing herein shall be construed as making it mandatory for the State Highway Department to contribute or use any moneys from the State Highway Fund in the construction of such bridge.

Sec. 3. The County Commissioners Court of Jefferson County may, and upon the petition of not less than two hundred (200) qualified voters who own taxable property in this county and who have duly rendered same for taxation, shall order an election to be held within said County in accordance with the law to determine whether the bonds of said County shall be issued in the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), the proceeds of which bond issue less the expense of their issuance and less the expense incurred by the County in connection with the application for Federal Funds as provided in this Act, shall be contributed to the State Highway Commission for the construction of such bridge in accordance with the provisions and limitations of this Act. Said bonds, if voted, shall bear interest at the rate of not exceeding five per cent (5%) per annum and shall mature not later than thirty (30) years from their date and shall be issued in such denominations and payable at such time or times as may be deemed most expedient by the Commissioners Court of Jefferson County. When such bonds are voted and issued the Commissioners Court of Jefferson County shall provide for the levy and collection of a tax annually sufficient to pay the annual interest and provide a sinking fund for the payment of the bonds at maturity. Interest upon said bonds may be payable annually or semi-annually. Said bonds shall be voted and issued under the provisions of Chapters 1 and 2 of Title 22, Revised Civil Statutes of 1925, except as otherwise provided by this Act.

Sec. 4. The Highway Commission shall have authority to apply for and accept loans and grants from the United States Government and from any and all of its agencies and instrumentalities, which is now, are now, or hereafter may be authorized to make such loans and grants, either or both, and to execute such agreements and contracts in reference thereto as are considered by it to be

convenient in procuring such loan and grants, either or both, for the purpose of procuring funds to construct such bridge and approaches thereto, subject to the limitations contained in this Act. Hereinafter in this Act, the terms "agency" and "said agency" shall mean the United States Government, its agencies and instrumentalities furnishing all or any part of the money to construct such bridge and approaches thereto. To facilitate contributing the proceeds of such county bond issue to the State Highway Commission for the construction of such bridge, as herein authorized, the Commissioners Court of Jefferson County and the State Highway Commission, either or both, is and are hereby authorized to make application or to amend or substitute an application for any pending application, to such agency or agencies for a loan in the amount of said county bond issue and for a grant in such additional amount as may be permitted by law, and to sell or pledge, either or both, and deliver such county bonds to said agency or agencies for the amount of said loan, and to enter into and execute any and all contracts and agreements with such agency or agencies in reference thereto, and to use the proceeds of such county bonds and such grant, either or both, for the construction of said bridge as herein authorized; provided said State Highway Commission agrees to contribute, and does contribute, additional moneys from the State Highway Fund sufficient to construct and complete such bridge and the approaches thereto. In the event such bonds of Jefferson County are not sold or pledged to such agency or agencies, they may be sold to any other person, firm or corporation, provided the entire proceeds thereof less expenses of their issuance and less expenses of filing and prosecuting such application, are contributed to the State Highway Commission for the purpose of constructing such bridge and provided additional funds are furnished by the State Highway Commission for the construction and completion of such bridge. The bond issue of Jefferson County herein authorized and the proceeds of the sale thereof shall be used for no other purpose than toward the construction of such free bridge having specifications as to clearances in accordance with the

provisions and limitations of this Act, and shall only be so used if and when additional funds sufficient to construct and complete such bridge and its approaches are provided by the State Highway Commission, or by such agency or agencies, either or both.

Sec. 5. No loan or grant which may be obtained under the provisions of this Act for the construction of such bridge and the approaches thereto shall be or become a debt against the State of Texas or against the State Highway Commission, but the said bonds which may be voted and issued by Jefferson County under the provisions of this Act shall constitute the debt and obligation solely of said Jefferson County. It is hereby declared to be the Legislative intent that the bonds issued by Jefferson County as provided herein shall not be assumed by or paid off by the Board of County and Road District Bond Indebtedness, or out of any funds used by said Board to retire County and Road District Bonds.

Sec. 6. The State Highway Commission is authorized to design, supervise, and construct, or to contract for the designing, supervision of the construction, and the construction of such bridge and the approaches thereto. Such bridge and approaches shall be the property of the State, and after the completion thereof shall be maintained and operated by the State Highway Commission.

Sec. 7. The moneys for the construction of such bridge contributed by Jefferson County from the proceeds of the county bond issue herein authorized and the moneys apportioned by the State Highway Commission from the State Highway Fund, shall constitute a special fund for the construction of such bridge and its approaches, and for no other purpose, and such special fund when created shall and is hereby appropriated for use for such purpose. Any moneys obtained from such agency or such agencies shall likewise be used for such purpose and in accordance with the Acts of Congress and the regulations announced by such agency or agencies.

Sec. 8. All laws and parts of laws, general, local and special in conflict with any of the provisions of this Act are hereby repealed to the extent of such conflict. Section 4 of Chapter 13 of the Acts of the Forty-second

Legislature, Third Called Session, is expressly repealed insofar as it might prohibit Jefferson County from aiding in the construction of such bridge as is herein authorized because forming a part of a State Highway, but said law is not repealed otherwise. All local or special laws applicable to Jefferson County are likewise repealed to the extent they are in conflict herewith.

Sec. 9. In event any section, paragraph, sentence, clause or phrase of this Act is unconstitutional, the remaining parts of the law shall remain undisturbed, it being the legislative intent that the remaining parts of the law would have been enacted without including such unconstitutional provision or provisions.

Sec. 10. In event the election for such bond issue of Jefferson County shall not be called for a date within forty-five (45) days after this Act shall take effect, or in the event said bond election, so called, shall fail to carry, or in the event actual construction of said bridge has not been commenced by March 1, 1937, the authority granted by this Act shall not thereafter be exercised.

Sec. 11. The Highway Commission or any contractor who employs labor for the construction of such bridge is hereby required to give preference to persons who are on relief rolls or otherwise unemployed; this shall include office or clerical work incident to such construction, excepting the key workers of the contractor; the aforesaid unemployed persons and those on relief rolls shall have preference provided they are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed and in the event there are not sufficient persons with the proper qualifications as aforesaid, then the contractor shall employ qualified workers who reside in the locality where such bridge or bridges are to be constructed and any contract expressly entered into by the Highway Department hereunder shall impose upon the contractor the obligation to give preference in employment to such needy people upon relief rolls or otherwise as provided herein; and shall expressly impose upon such contractors the obligations provided for in this section; provided nothing in this section contained shall conflict with the requirements of any

Federal agency providing any funds for such bridge.

Sec. 12. The importance of this legislation and the necessity of procuring funds from the Federal Government to relieve the unemployed persons in Texas and the short duration of the legislative session create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this Act be effective immediately from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 16, A bill to be entitled "An Act amending Articles 7050, 7052, 7053, 7054, and Section 1, House Bill 514, Chapter 267, Acts Regular Session Forty-second Legislature, and amending paragraph (e), Section 2, Section 4, Section 5, Section 10 and Section 11 of House Bill 122, Chapter 116, Acts Regular Session, General Laws Forty-third Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOPKINS, Chairman.

By Small.

S. B. No. 16.

A BILL

To Be Entitled

An Act amending Articles 7050, 7052, 7053, 7054, and Section 1, House Bill 514, Chapter 267, Acts Regular Session 42nd Legislature, and amending Paragraph (e) Section 2, Section 4, Section 5, Section 10 and Section 11 of House Bill 122, Chapter 116, Acts Regular Session, General Laws 43rd Legislature and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7050, Revised Civil Statutes of 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7050. The Comptroller of Public Accounts shall hereafter

collect all Occupation Taxes levied by and accruing to the State of Texas and also all State License Fees authorized by Chapter 116 General Laws, Acts Regular Session 43rd Legislature. Nothing contained in this Act is intended to impair the right of Cities and Towns to collect Occupation Taxes now authorized by law and to collect License Fees from manufacturers, distributors and retailers of beer as provided for in Chapter 116 General Laws, Acts of the 43rd Legislature, and the present manner of collecting such Occupation Taxes and such License Fees is in no wise altered or changed by this Act. It shall be the duty of the Tax Collector of each County in this State to collect for his County all County Occupation Taxes now or hereafter authorized by law, and all County License Fees levied by and accruing to such county for the privilege of manufacturing, distributing and selling beer under the provisions of said Chapter 116, General Laws Acts Regular Session 43rd Legislature."

Sec. 2. That Article 7052, Revised Civil Statutes of 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7052. The payment of the specific tax herein provided for shall be required to be paid to the Comptroller of Public Accounts at Austin before any person, firm or association of persons shall be allowed to engage in any occupation requiring a license under any provision of this law, said payment to be made for the period required by law; and the payment of Occupation Taxes levied by any county under the provisions of and pursuant to the conditions of this Act shall be required by the tax collector to be made before any person, firm or association of persons shall be allowed to engage in any occupation requiring a license under any provision of this law, said payment to be made for a period of not less than three months. All arrearages of taxes that may be due by reason of any such business having been carried on shall be a lien upon all the stock and fixtures owned or used in making a part of any business or vocation liable to such tax under the provisions of this chapter, and which lien shall authorize the collector to sell, after due notice, so much of

the stock or other personal property of any person, firm or association of persons owing taxes under the provisions of this chapter, as will satisfy such claim, together with the cost of such proceeding."

Sec. 3. That Article 7053, Revised Civil Statutes of 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7053. The Comptroller of Public Accounts shall keep such books and prescribe such forms and promulgate such rules and regulations as may be necessary to reflect the liability of all people to the State of Texas for the payment of Occupation Tax and License Fees, and for the collection and receipt of same. The Comptroller shall cause Occupation Tax Receipts for each occupation to be printed with blank space for his signature. These receipts shall state the name of the occupation, the amount of the tax, have blanks for the year, month and name of the licensee, and shall have a stub attached upon which there shall be printed or written the substance of the attached receipts. These stubs and receipts shall be bound in books and numbered consecutively. When an Occupation Tax is collected, the blanks in the receipt and stub shall be filled in and the receipt shall be signed by the Comptroller of Public Accounts or by his authorized agent or deputy. It shall be unlawful for any person to pursue any occupation unless and until he has a receipt signed as herein provided by the Comptroller and unless and until such receipt is placed on display in a conspicuous place at the local place of business of the licensee."

Sec. 4. That Article 7054, Revised Civil Statutes of 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7054. The Commissioners' Court shall furnish the tax collector with County Occupation Tax Receipts. The form of these receipts shall be in substantial compliance with those used by the Comptroller for the collection of state taxes. The Commissioners' Court shall cause such Occupation Receipts to be numbered and valued and shall charge the collector with the number and value of same. The tax collectors shall pay over to the County Treasurer within ten days after the

first days of January, April, July and October all monies received by him from the collection of County Occupation Taxes less a commission of five per cent, which shall be retained by him and accounted for as fees of office and said collector shall on said dates account to the Commissioners' Court for all tax receipts issued by him and for all blank receipts remaining in his possession. It shall also be the duty of the Commissioners' Court to furnish the tax collector with such books as are necessary to correctly reflect the liability of all parties for the payment of Occupation Taxes to the county, and the tax collector shall make upon said book on January 1st, April 1st, July 1st and October 1st proper entries showing the liability of all persons for the payment of occupation taxes, and, as and when such taxes are collected and receipts issued therefor, the tax collector shall make entries upon said book to show such collection. It shall be unlawful for any person to pursue any occupation upon which a County Occupation Tax is levied unless and until he has a receipt signed as herein provided by the tax collector, and unless and until such receipt is placed on display in a conspicuous place at the local place of business of the licensee."

Sec. 5. That Section 1, House Bill 514, Chapter 267 Acts Regular Session 42nd Legislature, be and the same is hereby amended so as to read hereafter as follows:

"Section 1. That hereafter there shall be collected from every person, firm or corporation engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit, whether by wholesale or retail, an annual occupation tax of Ten Dollars (\$10.00), to be paid on or before January 1st of each year, and to be paid before continuing said business, within thirty (30) days from the effective date hereof. Before so engaging in said business, each such dealer shall obtain his State License therefor, and also his County and City Licenses, if such be required. A State License shall be required for each county in which any individual may have a place of business and in every instance it shall be issued and signed by the Comptroller on forms prescribed by the Comptroller."

Sec. 6. That Paragraph (e), Section 2, House Bill 122, Chapter 116, General Laws Acts 43rd Legislature, Regular Session, be and the same is hereby amended to read hereafter as follows:

"Section 2 (e). A "general distributor" shall procure the primary license in the county of his domicile or residence, and if he desires to establish any place of business in any other county, he shall present his license secured for the county of his residence to the Comptroller of Public Accounts, together with a fee of Fifty Dollars (\$50.00), and it shall then be the duty of the Comptroller to issue a license for such general distributor in such county, and if a county and/or city license is required, he shall likewise present his state license to the county tax collector and to the city tax collector together with the required license fees and obtain his county and city license for such additional county."

Sec. 7. That Section 4, House Bill 122, Chapter 116, Acts Regular Session, General Laws 43rd Legislature, be and the same is hereby amended to hereafter read as follows:

"Sec. 4. It shall be unlawful for any person to manufacture, or brew, or to sell, or distribute any beer without having first applied for and secured a state license as required by this Act for the county in which such beer is manufactured, brewed, sold or distributed. A state license shall be obtained by every individual, firm or corporation for each county in which such individual, firm or corporation manufactures, or brews, or sells, or distributes beer. In all counties where the Commissioners' Court levies a license fee as provided for in this Act and in all cities or towns where such city or town levies a license fee as authorized by this Act, it shall be unlawful for any person, firm or corporation to manufacture, or brew, or sell, or distribute any beer without having first applied for and secured a county license and a city license."

Sec. 8. That Section 5, House Bill 122, Chapter 116, Acts Regular Session, General Laws 43rd Legislature, be and the same is hereby amended to hereafter read as follows:

"Section 5. Before any license required by this Act shall be issued, the license fee required therefor

shall be paid. All state license fees shall be paid to the Comptroller of Public Accounts for the use and benefit of the general fund of the State of Texas. All county license fees shall be paid to the county tax collector for the use and benefit of the general fund of the county, and all city or town license fees shall be paid to the tax collector of such municipality for the use and benefit of any fund selected by the governing body of such municipality. Annual fees for state license authorized by this Act shall be as follows:

(a) For a license authorizing the manufacture and sale by a manufacturer, Five Hundred Dollars (\$500.00).

(b) For a General Distributor, Two Hundred Dollars (\$200.00).

(c) For a local distributor, Fifty Dollars (\$50.00).

(d) For a license authorizing the sale of beer by retail dealer for consumption on or off the premises where sold, One Hundred Dollars (\$100.00).

(e) For license authorizing the sale of beer by retail dealer in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold, Fifty Dollars (\$50.00).

(f) All licenses issued under the terms of this Act shall terminate at midnight on the thirty-first day of December of each year and no license shall be issued for a longer term than one (1) year. On or before the first day of January, 1935, and annually thereafter each and every person owning a license issued under the terms of this Act may by written application filed with the Comptroller of Public Accounts at Austin not more than thirty (30) days prior to the first day of January, renew such license so held by him. Such application shall be in writing, signed by the applicant and contain full and complete information as to the business to be conducted and all other information as set out and required in the original application upon which such original license was issued. Upon the presentation of such application for renewal of license, together with the sums required by this Act for an annual license, it shall be the duty of the Comptroller of Public Accounts to forthwith issue such renewal license upon the form to be prescribed by

the Comptroller; provided, however, that no applicant for a license under the terms of this Act shall be required to pay at any one time more than the annual fees required for licenses hereunder; but such applicant shall always be required to pay such fees in advance and if such license so sought is for a portion of a year only, then the fee required to be paid for the issuance of such license shall cover the period of time from the date of such license to midnight of the thirty-first day of December following, and only such proportionate part of such annual license fee as required under the terms of this Act as the period of time between the date of such license and the thirty-first day of December following bears to the calendar year shall be required to be paid by such applicant. Where a licensee desires to renew his county license, he shall present his current county license to the tax collector of the county, together with a fee of Two Dollars (\$2.00) and the annual county license fee, and such tax collector shall issue the county license, retaining the Two Dollars (\$2.00) as accountable fees of office.

(g) No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any such license be voluntarily assigned more than once, but before assignee of such license can engage in business thereunder he or they shall comply with the provisions of this Act as required by original license and provided further that the sale of such license whether in the name of the original licensee or assignee, may be made under execution or mortgage and the purchaser of such license in such sale shall have the right to surrender such license to the State or County which issued the tax receipt which is the basis thereof and shall receive therefor the pro rata unearned portion of such license, provided that should said original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as provided in this Act.

(h) The Commissioners' Court of

each County in this State shall have the power to levy and collect from every person that may be licensed hereunder in said county a license fee equal to one-half (1-2) of the State fee; and where any such license fee is assessed in any incorporated city or town, it shall have the power to levy and collect a license fee not to exceed one-half (1-2) of the State fee, but no other fee or tax shall be levied by either. But nothing herein shall be construed as preventing the levying, assessing, and collecting general ad valorem taxes on the property of the said persons, individuals, partnerships or corporations so licensed. The Commissioners' Court shall provide the County Tax Collector with forms for the issuance of the County License, also such books of account as will enable the collector to keep accurate accounts of the sums collected."

Sec. 9. That Section 10, Paragraphs C and D, House Bill 122, Chapter 116, Acts Regular Session, General Laws 43rd Legislature, be and the same is hereby amended to read hereafter as follows:

"Section 10 (c). Upon the court authorizing a license to be issued, the Judge shall so certify and deliver three copies of such certification to the applicant, who shall thereupon present a copy of such certification to the Comptroller of Public Accounts to whom he shall pay the fee required for state license, whereupon it shall be the duty of the Comptroller to issue a state license which shall show the amount paid, date, classification, the correct address and place of business of the applicant, and the county in which the applicant is licensed to transact business.

(d) In event the County Judge denies the application for a license, he shall enter his judgment accordingly, and the applicant may within thirty (30) days thereafter appeal to the District Court of the county where said application is made and such District Court shall hear and determine such appeal in term time or vacation for trial de novo. If the applicant shall prevail by final judgment, a certified copy of this judgment shall be used for the same purposes as prescribed for the certificate of the County Judge."

Sec. 10. That Section 11, House Bill 122, Chapter 116, Acts Regular Session, General Laws 43rd Legis-

lature, be and the same is hereby amended to read hereafter as follows:

"Section 11 (a) Upon receipt of the certificate from the County Judge or a copy of the judgment of the District Court and the payment of the proper fee, the Comptroller of Public Accounts shall issue to the applicant the proper license which shall be by him signed under the seal of office, dated, and state on its face for what purpose it is issued, date when it will expire, by whom and where the business is to be conducted, and shall describe the place where the same is to be kept, and state whether licensee is authorized to act as manufacturer, general distributor, local distributor, or retail dealer of beer as set out in the application. In like manner the county tax collector shall issue the proper county license which shall comply substantially with the requirements for a state license.

(b) In the event of the death of any licensee or the dissolution of any corporation or association of persons, leaving unearned portion of any license issued, the legal representative of such deceased person or surviving partner or director of any such corporation may present the license of such person to the State and county and receive payment of the unearned portion of license fee collected, the State's portion to be paid out of the foregoing appropriation to the Comptroller."

Committee Room,

Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 39, A bill to be entitled "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Moffett, et al. H. B. No. 39.

**A BILL
To Be Entitled**

An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, be amended so as hereafter to be and read as follows:

"Section 5. No contract, bond or note, or other evidence of indebtedness authorized to be issued or executed under this Act, shall be issued or executed after the expiration of the 31st day of the month of December, 1935."

Sec. 2. The fact that many school districts are in need of the facilities described in said Chapter 130, as amended, and have made application to procure funds on contracts, notes, bonds, and other evidence of indebtedness, but that these negotiations in many instances cannot be completed before May 13, 1935, the limit under said Act as it is now amended for the issuance of such contracts, bonds, notes, or other evidence of indebtedness, creates an emergency and an imperative public necessity, demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
November 7, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Pending business was Oneal amendments to C. S. S. B. No. 4.

Senate Bill No. 19.

Senator Woodruff sent up the following bill:

By Senator Woodruff:

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44 of Article 1302, Title 32 of the Revised Civil Statutes of Texas, 1925, by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacturing of mineral crystals and other by-products of mineral water therefrom and the sale of such products of mineral water may be combined with the business of conducting a hotel, office building, opera and playhouse, department house, or steam laundry, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Resolution No. 13.

Senator Small sent up the following resolution:

Be it resolved by the Senate that the Secretary of the Senate be and is hereby directed to purchase a suitable floral offering to be sent to funeral of Honorable R. M. Hubbard and same to be paid for out of the contingent fund of the Senate.

SMALL.

Read and adopted.

Action on S. R. No. 14.

Senator Purl asked unanimous consent that the names of all the Senators be added to S. R. No. 14.

Consent was granted and the resolution was adopted by a rising vote.

Senate Resolution No. 15.

Senator Pace sent up the following resolution:

Whereas, Longview business men are, on the evening of November 8th, 1934, honoring Carl L. Estes, new publisher of "Longview Daily News" and "Longview Morning Journal" with a welcome banquet; and,

Whereas, Mr. Estes is an outstanding citizen of Texas and has taken an active interest in the proper development of the resources of our great State; and,

Whereas, The press of legislative business at this time prevents our